

EXHIBIT 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 TYLER DIVISION
4 BLUE SPIKE, LLC, §
5 Plaintiff, § CIVIL ACTION NO.
6 VS. § 6:12-CV-00499-MHS
7 TEXAS INSTRUMENTS, INC. §
8 Defendant. §
9 BLUE SPIKE, INC., §
10 Plaintiff, §
11 VS. §
12 AUDIBLE MAGIC CORPORATION, §
13 FACEBOOK, INC., MYSPACE, LLC, §
14 SPECIFIC MEDIA, LLC, §
15 PHOTOBUCKET.COM, INC., § CIVIL ACTION NO.
16 DAILYMOTION, INC., DAILYMOTION §
17 S.A., SOUNDCLOUD INC., § 6:12-CV-00576-MHS
18 SOUNDCLOUD LTD., MYXER, INC., §
19 QLIPSO, INC, QLIPSO MEDIA §
20 NETWORKS, LTS, YAP.TV, INC., §
21 GOMISO, INC., IMESH, INC., §
22 METACAFE, INC., BOODABEE §
23 TECHNOLOGIES INC., TUNECORE, §
24 INC., ZEDGE HOLDINGS, INC. §
25 BRIGHTCOVE INC., COINCIDENT. §
TV INC., ACCEDO BROADBAND §
NORTH AMERICA, INC., ACCEDO §
BROADBAND AB, and MEDIAFIRE, §
LLC, §
Defendants. §
CONFIDENTIAL - OUTSIDE COUNSEL EYES ONLY
ORAL AND VIDEOTAPED DEPOSITION OF
SCOTT MOSKOWITZ
December 9th, 2014
VOLUME 1
Pages 1 through 297

Deposition Resources, Inc.
800.295.4109

1 ORAL AND VIDEOTAPED DEPOSITION OF SCOTT
2 MOSKOWITZ, produced as a witness at the instance of
3 the Defendant Audible Magic, and duly sworn, was
4 taken in the above-styled and numbered cause on the
5 9th of December, 2014, from 8:48 a.m. to 5:42 p.m.,
6 before Daniel J. Skur, Notary Public and Certified
7 Shorthand Reporter in and for the State of Texas,
8 reported by stenographic means, at the offices of
9 Garteiser Honea, 218 North College Avenue, Tyler
10 Texas, pursuant to the Federal Rules of Civil
11 Procedure.
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I N D E X

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Examination by Mr. Houmand.....	^ x
3. Signature Page.....	^ x
4. Reporter's Certificate.....	^ x

DEPOSITION EXHIBITS
SCOTT MOSKOWITZ
December 9th, 2014

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1 A. Again, as I previously responded, the
2 first action from the patent office on the merits
3 indicated allowable subject matter, so from the very
4 beginning it was patentable over any what you call
5 prior art or references of note.

6 BY MR. RAMSEY:

7 Q. All right. So because the patent office
8 issued a first notice of allowance, it's your
9 position that what you claimed in the '472 patent is
10 different from prior art fingerprinting systems.

11 MR. GARTEISER: Objection, form.

12 A. I'm neither a patent attorney nor a
13 patent agent, but a patent is presumed valid under
14 American law, so yes, I believe that I created a
15 pioneering technology called signal abstracts.

16 BY MR. RAMSEY:

17 Q. Okay. How would you describe to the
18 jury what is a signal abstract?

19 MR. GARTEISER: Objection, form.

20 A. I -- I don't know what I'm going to say
21 in front of the jury.

22 BY MR. RAMSEY:

23 Q. Okay. Well, sitting here today, what is
24 your -- what is your definition of what a signal
25 abstract is?

1 A. I believe the term comes up at least 40
2 plus times in this particular application, and as I
3 would again refer you to the specification and the
4 prosecution history in addition to the court's claim
5 construction which was just done in October 1st,
6 that definition is suitable.

7 Q. How -- I'd like to understand how one
8 would build a system that creates signal abstracts.
9 Describe for me what -- how such a system would
10 operate.

11 MR. GARTEISER: Objection, form.

12 A. The patent instrument is a form of
13 public notice and a way of describing how an
14 invention can be practiced. This instrument teaches
15 you how to make a signal abstract system.

16 BY MR. RAMSEY:

17 Q. All right. So would your -- according
18 to the teachings of your patents, would a system for
19 creating signal abstracts analyze a signal, for
20 example, of a song to be represented by a signal
21 abstract? Is that one feature?

22 MR. GARTEISER: Objection, form.

23 A. Again, I believe you've asked that
24 before, and I answered it.

25 BY MR. RAMSEY:

1 reasons that you're already stated regarding how
2 your signal abstracting system is different than
3 prior art systems that identified content based on
4 the content itself, what other features were
5 different?

6 A. I --

7 MR. GARTEISER: Object to the form.

8 A. I will rely on the specification,
9 prosecution history, and claim construction and know
10 them very well, and be prepared to answer questions
11 in front of the jury.

12 BY MR. RAMSEY:

13 Q. Okay. But you're -- beyond the three
14 reasons that you've stated --

15 A. I'm sure I can find more.

16 Q. But you're -- so tell me what other
17 reasons beyond the three reasons that you've stated
18 that your signal abstracting was distinguished over
19 the prior art.

20 A. Show me the prosecution history.

21 Q. Well, you clearly have some ideas in
22 mind that you're going to tell the jury. I'd like
23 to hear them today.

24 A. Okay.

25 MR. GARTEISER: He's asked for the

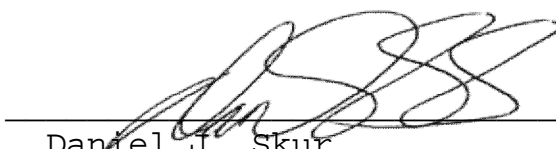
REPORTER'S CERTIFICATION

I, DANIEL J. SKUR, CSR and Notary Public in and for the State of Texas, hereby certify that the witness was duly sworn and that this transcript is a true record of the testimony given by the witness;

That pursuant to Rule 30 of the Federal Rules of Civil Procedure, signature of the witness was reserved by the witness or other party before the conclusion of the deposition;

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of the action.

Subscribed and sworn to by me this day, the _____ day of December, 2014.


Daniel J. Skur
Notary Public, State of Texas
My Commission Expires 7/7/2018



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ALSO PRESENT: Mr. Mike Mart, Videographer

I N D E X

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SCOTT MOSKOWITZ
December 10th, 2014

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Exhibit 8	12/5/2000 Moskowitz Email to Gregg Moskowitz, Bury, and Cassidy Regarding Bambino Bates No. BLU0152989	377
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Exhibit 12	5/28/1998 Bop Email to Bop Regarding Music For New Media, Newsletter June 1998, Issue 14 Bates No. BLU0136697 through 0136701	535

1 is the entity that offered for sale the Giovanni
2 abstraction machine?

3 MR. BRASHER: Objection, form.

4 A. Again, I'm not trying -- I'm not trying
5 to be difficult about this, but as I mentioned
6 previously, I happen to be the president -- the sole
7 president of Blue Spike, the sole director of Blue
8 Spike, the sole employee of Blue Spike, and with
9 regards to Blue Spike LLC, it's a sole member LLC
10 currently of which I, of course, am the only member
11 and manager of that entity. So yeah, there's a lot
12 of hats. They might conflict, but the shareholders
13 have agreed with it.

14 BY MR. RAMSEY:

15 Q. All right. Well, I understand that any
16 processing of the offer for sale of the Giovanni
17 abstraction machine would have been processed by
18 Blue Spike LLC. My question is which entity was
19 actually offering it for sale, Blue Spike, Inc. or
20 Blue Spike LLC?

21 MR. BRASHER: Objection, form.

22 A. Again, I'm not really understanding the
23 stipulation. I mean, we try to go off the name Blue
24 Spike. What comes after Blue Spike, Inc., LLC,
25 Limited, International Holdings, whatever, it's not


REPORTER'S CERTIFICATION

I, DANIEL J. SKUR, CSR and Notary Public in and for the State of Texas, hereby certify that the witness was duly sworn and that this transcript is a true record of the testimony given by the witness;

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I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of the action.

Subscribed and sworn to by me this day, the _____ day of December, 2014.


Daniel J. Skur
Notary Public, State of Texas
My Commission Expires 7/7/2018



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SCOTT MOSKOWITZ
December 11th, 2014

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Exhibit 17	IEEE Feature Article Entitled Content-Based Classification, Search, and Retrieval of Audio, Wold, Blum, Keislar, Wheaton 21 pages	680
Exhibit 18	United States Patent 5,918,223 37 pages	768
Exhibit 19	Moskowitz Article Entitled A Solution to the Napster Phenomenon: Why Value Cannot Be Created Absent the Transfer of Subjective Data Bates No. BLU0371300 through 0371303	786

1 BY MR. RAMSEY:

2 Q. Figures 2 through 13.

3 A. Oh, pardon me. I'm sorry. Figures 2
4 through 13. Okay.

5 Q. All right. Mr. Moskowitz, isn't it true
6 that the process described in Figures 2 through 13
7 of the '223 patent described the process of creating
8 abstracts in your signal abstracting patents?

9 A. No.

10 Q. Isn't that true?

11 A. No, it's not true at all.

12 Q. Do you -- you must admit that the
13 process described between Figures 2 through 13 of
14 the '223 patent anticipates the creating of
15 abstracts in your '472 patent.

16 MR. GARTEISER: Objection, form.

17 BY MR. RAMSEY:

18 Q. Correct?

19 MR. GARTEISER: Objection, form.

20 A. "Anticipate" means what?

21 BY MR. RAMSEY:

22 Q. Isn't it true that the process of
23 creating abstracts in the claims of your asserted
24 patents is reflected in Figures 2 through 13 of the
25 '223 patent?

1 A. No, it's not true at all, and I can
2 refer actually -- we can start at Figure 2 if you
3 would like.

4 Q. Please. Tell me why that's not so.

5 A. In Figure 2 of the '223 patent, step 200
6 at the top says, open sound file, read header
7 information.

8 Q. Okay. What is the import of that fact?

9 A. We're not concerned with header
10 information.

11 Q. All right. Are there any other reasons
12 why Figures 2 through 13 do not anticipate the
13 process of creating abstracts in your patent?

14 A. Again, I'm not going to follow your
15 definition of what "anticipates" means because the
16 patent office has already said that it doesn't
17 anticipate, but I'll go page to page.

18 In Figure 3, starting from the top,
19 prepare file for reading, read one frame of samples
20 from sound file into sample array. Did we read a
21 full frame?

22 Then skipping down below that,
23 compute FFT of this frame and convert to magnitude
24 spectrum and store in array mag, I believe that
25 says, it's hard to read, with a corresponding array

1 of the frequencies of each bin in frequency, and
2 there's no reference there. However, when it says
3 did we read a full frame in Figure 3 and the answer
4 is no, then we get into pitch trajectory cleanup in
5 addition to statistics computation referred to in
6 Figure 13.

7 Next would be Figure 5. Starting
8 with -- well, I mean, again, all of these things can
9 have references to descriptions within the
10 specification itself, so I'm only reading what's
11 written here, and I would like the opportunity to
12 actually refer to the actual terminology as well as
13 description that is in the specification, but if
14 yes, if fund equals minus 1, fund C and frequency
15 candidateCount equals fund. Compute score.
16 CandidateCount -- which then refers to Figure 7.
17 CandidateCount equals candidateCount plus 1, and
18 then finally, pick best candidate, which refers to
19 Figure 8, and compute confidence in Figure 9.

20 Referring now to Figure 7B, I
21 believe it says Figure 7 in an earlier reference,
22 but there is a Figure 7A and a Figure 7B, and in
23 this figure there are several, I guess, harmonic and
24 sums that are being determined, and at the end it
25 says, fund C and Score candidateCount equals

1 fitSum/FFTNorm, referring to step 726, and then it
2 says compute score.

3 Referring now to Figure 9B, there is
4 a key to Figure 9B which refer separately to Figure
5 9A and Figure 9B. The steps I won't repeat. They
6 are as they're written in the document, but the last
7 piece of this in what is called step 928 says pitch
8 confidence, parentheses, frame count equals conf
9 sum/FFT norm and then the following becomes a
10 compute confidence.

11 Finally -- and again you've asked
12 the question several times about what are called
13 MFCCs, or Mel-spaced overlapping triangle filters,
14 which is the way it's described here, I'd refer to
15 however the term would be described in the
16 specification, but the following steps of
17 normalizing the magnitude spectrum, apply a
18 preemphasis filter, apply mel-spaced overlapping
19 triangular filters, apply cosine transform to obtain
20 cep -- excuse me, cepstral coefficients,
21 parentheses, MFCCs, and the result is MFCC
22 computation.

23 Finally, below that, as a separate
24 computation I'll read the steps as they occur. I
25 will do my best to make sure, but reference to the

1 figure is probably much easier.

2 For each acoustic attribute
3 trajectory, not feature, or not characteristic,
4 trajectory, compute the corresponding first
5 derivative trajectory, so we're not only not a
6 feature or a characteristic, but we're now an
7 acoustic attribute trajectory corresponding to its
8 first derivative.

9 The second step is for each
10 trajectory, parentheses, acoustic attributes, and
11 first derivatives compute the amplitude weighted
12 mean.

13 The next step, without getting into
14 the mathematics that are described here, for each
15 trajectory, parentheses, acoustic attributes and
16 first derivatives, compute the amplitude weighted
17 standard deviation and the result of these steps is
18 a statistics computation.

19 Q. All right. So -- thank you. So is it
20 true that each of the --

21 A. Now --

22 Q. -- features that you just described --

23 A. But --

24 Q. -- from --

25 A. I'm sorry.

1 Q. -- Figures 2 through 13 are -- those are
2 your -- it's your position that each of those
3 independently is a reason why the process set forth
4 in the '223 patent is different from your signal
5 abstracting creation process; is that right?

6 MR. GARTEISER: Objection, form.

7 A. That's not what was asked. What was
8 asked of me is akin to the question you've been
9 asking me several times over the past three days,
10 which is your contention that an MFCC is somehow
11 equivalent with a signal abstract. I contend that
12 this is not the case. So as, again, going past the
13 limited figures that you've described, we can also
14 refer to Figure 18, because if we're talking about
15 things like a comparing step, which was hotly
16 contested, if I remember correctly, in the claim
17 construction, it seems to me that not only is it not
18 the same thing, but once again, we get into
19 measuring distances between JF pair of frames, so
20 somehow an analysis of frames of sound. Somehow
21 those frames are measured in some way, and as we get
22 to the end of this, whether there's a match or a
23 nonmatch, the underlying title of Figure 18 is
24 Comparing Sounds By Matching Trajectories. Signal
25 abstracts, to the best of my knowledge, are not

1 comparing sounds by matching trajectories, but I
2 again refer to the specification, prosecution
3 history, as well as the claim construction.

4 Q. Please turn --

5 A. And then -- I'm sorry. Interrupt.

6 Q. Please turn to Figure 17.

7 MR. GARTEISER: Counsel, you didn't
8 let him finish answering your last question. Are
9 you going to retract that question?

10 MR. RAMSEY: No.

11 MR. GARTEISER: Then he needs to
12 have the opportunity to finish answering.

13 BY MR. RAMSEY:

14 Q. Finish the answer to the question.

15 A. Then in Figure 19, similarly, measure
16 distance between rhythms where there are values of I
17 including inverse duration, log tempo, what is
18 called pattern 3, and then finally rhythm
19 trajectory. And in this distance, which again
20 you've asked me several times about, I believe,
21 Euclidean measurements of distances between points
22 in a signal referencing the patents that are at
23 suit, here we see that the result is an overall
24 distance where W is a user-supplied weight, so
25 someone is providing some information about what the

1 My final response to that is these
2 figures as they exist in this application, I believe
3 it's improper to read simply the figures since
4 entering figures in patents, as I remember it, have
5 to include some description in the detail
6 description in a -- in a -- in an area which we call
7 brief description of the drawings so that we can
8 understand exactly what's meant. Not simply
9 referring to figures without any type of reference
10 to the actual specification. And that exists at
11 column 4, which says, brief description of the
12 drawings.

13 BY MR. RAMSEY:

14 Q. Sir, you cannot disagree -- isn't it
15 true you cannot disagree that a feature vector
16 representing MFCC values is exactly the same as your
17 signal abstract; isn't that right?

18 MR. GARTEISER: Objection, form.

19 A. I can and I will and I have and I'll
20 continue to, and the U.S. Patent and Trademark
21 Office of these United States agrees with me.

22 BY MR. RAMSEY:

23 Q. So it's your contention that the U.S.
24 Patent and Trademark Office agreed that a feature
25 vector representing MFCC values is not your signal

1 claiming right now so that you could get a definite
2 answer from the patent office, but you and the other
3 defendants failed to do so.

4 Q. Isn't it true that a feature vector
5 representing MFCCs is exactly the same as your
6 signal abstract? You can't -- you can't disagree
7 with that proposition. Correct?

8 MR. GARTEISER: Objection, form.

9 A. Counselor, you telling me what I can and
10 can't agree to sounds very odd in the context of a
11 question. Would you like to rephrase the question
12 so I can understand it better?

13 BY MR. RAMSEY:

14 Q. Isn't it true you agree that a feature
15 vector representing MFCC values is exactly the same
16 as the signal abstract described in your asserted
17 patents?

18 MR. GARTEISER: Objection, form.

19 A. Again, I've said it many times, a signal
20 abstract is not the same thing as the MFCCs and,
21 again, the claim construction which you based your
22 arguments was rejected by the court during the
23 Markman hearing, and so if you want further
24 clarification on it, I'm still going to continue to
25 maintain, not only are they not the same, but as per

1 what you mean by "mathematics."

2 BY MR. RAMSEY:

3 Q. So you don't understand mathematics as
4 they apply to your patents. When I ask you what
5 mathematics are applied in the abstract comparison
6 process, you don't understand what that means; is
7 that true?

8 MR. BRASHER: Objection, form.

9 A. You've asked a compound question, and I,
10 again, ask you, is this a mathematics quiz, or is
11 this some other endeavor to try and figure out
12 something that I'm not understanding.

13 BY MR. RAMSEY:

14 Q. I'm trying to understand the inventor's
15 view of what mathematics are used to compare two
16 signal abstracts in the claims of the asserted
17 patents. Please tell me that.

18 MR. BRASHER: Objection, form.

19 A. I believe that I've answered that
20 question and again refer you to the entirety of the
21 specification, the prosecution history, as well as
22 the claim constructions.

23 BY MR. RAMSEY:

24 Q. What --

25 A. What I will say is that the mathematics

1 of MFCCs are not equivalent with a signal abstract
2 on -- in any way, shape, or form.

3 Q. Okay.

4 MR. RAMSEY: All right. I think
5 we've just hit 2:30. So we're -- at this moment,
6 this is Gabe Ramsey for Audible Magic. We are
7 continuing until January the deposition -- the
8 continued deposition of Scott Moskowitz -- Scott
9 Moskowitz, the continued deposition of Blue Spike
10 Inc., and the continued deposition of Blue Spike
11 LLC. Thank you.

12 VIDEOGRAPHER: This is the end of
13 tape number 5, and this is the end of the deposition
14 for today. We're off the record at 2:28 p.m.
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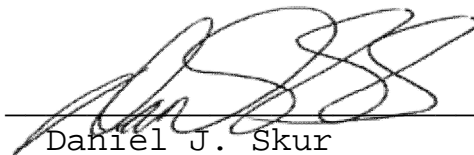
REPORTER'S CERTIFICATION

I, DANIEL J. SKUR, CSR and Notary Public in and for the State of Texas, hereby certify that the witness was duly sworn and that this transcript is a true record of the testimony given by the witness;

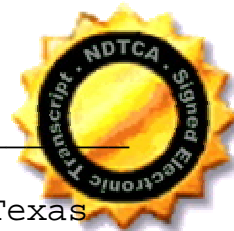
That pursuant to Rule 30 of the Federal Rules of Civil Procedure, signature of the witness was reserved by the witness or other party before the conclusion of the deposition;

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of the action.

Subscribed and sworn to by me this day, the _____ day of December, 2014.



Daniel J. Skur
Notary Public, State of Texas
My Commission Expires 7/7/2018



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BLUE SPIKE, LLC, §
§
Plaintiff, § CIVIL ACTION NO.
§
VS. § 6:12-CV-00499-MHS
§
TEXAS INSTRUMENTS, INC. §
§
Defendant. §

BLUE SPIKE, INC., §
§
Plaintiff, §
§
VS. §
§
AUDIBLE MAGIC CORPORATION, §
FACEBOOK, INC., MYSPACE, LLC, §
SPECIFIC MEDIA, LLC, §
PHOTOBUCKET.COM, INC., § CIVIL ACTION NO.
DAILYMOTION, INC., DAILYMOTION §
S.A., SOUNDCLOUD INC., § 6:12-CV-00576-MHS
SOUNDCLOUD LTD., MYXER, INC., §
QLIPSO, INC, QLIPSO MEDIA §
NETWORKS, LTS, YAP.TV, INC., §
GOMISO, INC., IMESH, INC., §
METACAFE, INC., BOODABEE §
TECHNOLOGIES INC., TUNECORE, §
INC., ZEDGE HOLDINGS, INC. §
BRIGHTCOVE INC., COINCIDENT. §
TV INC., ACCEDO BROADBAND §
NORTH AMERICA, INC., ACCEDO §
BROADBAND AB, and MEDIAFIRE, §
LLC, §
§
Defendants. §

CONFIDENTIAL - OUTSIDE COUNSEL EYES ONLY

ORAL AND VIDEOTAPED DEPOSITION OF

SCOTT MOSKOWITZ

January 14th, 2015

VOLUME 4

Pages 823 - 1124

ORAL AND VIDEOTAPED DEPOSITION OF SCOTT

MOSKOWITZ, produced as a witness at the instance of the Defendant Audible Magic, and duly sworn, was taken in the above-styled and numbered cause on the 14th of January, 2015, from 9:08 a.m. to 7:20 p.m., before Daniel J. Skur, Notary Public and Certified Shorthand Reporter in and for the State of Texas, reported by stenographic means, at the offices of Garteiser Honea, 218 North College Avenue, Tyler Texas, pursuant to the Federal Rules of Civil Procedure.

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ALSO PRESENT: Ms. Michelle Berry, Videographer

I N D E X

1.	Appearances.....	825
2.	The Witness: SCOTT MOSKOWITZ	
	Examination by Mr. Ramsey.....	830
3.	Acknowledgment.....	1122
4.	Reporter's Certificate.....	1123

DEPOSITION EXHIBITS
SCOTT MOSKOWITZ
January 14th, 2015

Previously Marked

Number	Description	Page
Exhibit 1	1 United States Patent Number 7,346,472 Bates No. BLU000001 through 000014 14 pages	830
Exhibit 2	United States Patent 7,660,700 Bates No. BLU000015 through 000027	876
	Marked During Volume 4	
Exhibit 20	Audible Magic Corporation's Notice of Deposition of Blue Spike, Inc. Pursuant to 30(b)(6)	894
Exhibit 21	Email String Regarding Ideas Bates No. BLU013424 through 013432	909
Exhibit 22	1/18/1999 Mazer Moskowitz Agreement Bates No. BLU0141686 through 0141687	988
Exhibit 23	Blue Spike, Inc. Business Plan August 1999 Bates No. BLU01610817 through 0161066	1001

1 on pattern recognition?

2 A. I don't -- I don't understand what that
3 means, pattern recognition, is that a new term? Is
4 that content fingerprint?

5 Q. Well, what is your understanding as
6 pattern recognition and content fingerprint?

7 MR. GARTEISER: Hold on. Objection,
8 form.

9 A. I -- you know, you're asking me
10 questions. You're talking about pattern
11 recognition. I don't understand the context of the
12 question.

13 BY MR. RAMSEY:

14 Q. Do you believe that you're the first
15 person ever to come up with the idea of looking at a
16 signal, analyzing the attributes of the signal, and
17 creating a fingerprint of the signal based on its
18 attributes?

19 MR. GARTEISER: Objection, form.

20 A. No, I never said that. I invented
21 signal abstracts with Mike Berry, and yes, we were
22 the first to invent signal abstracts as that term
23 is -- exists in the specification, the claims, the
24 prosecution history and as the court has issued
25 their ruling in the claim construction which, again,

1 you and your clients lost.

2 BY MR. RAMSEY:

3 Q. All right. So is it your testimony and
4 belief that before you nobody in all of the field of
5 digital signal processing had ever thought of
6 looking at perceptual qualities of a signal and
7 using those to create a representation of the
8 signal? Is that your belief?

9 MR. GARTEISER: Objection, vague.

10 A. Well, you've asked --

11 MR. GARTEISER: Sorry, form.

12 A. You've asked a very vague question that
13 has multiple compounds. First, do I think about
14 what other people thought? I have no idea what
15 other people think or could think. If I had that
16 ability, I wouldn't be sitting here right now.

17 BY MR. RAMSEY:

18 Q. So do you believe that it is possible
19 that prior to your filing of your patent that
20 somebody in the field of digital signal processing
21 had thought of looking up perceptual -- of looking
22 at perceptual qualities of a signal and using those
23 to create a representation of the signal?

24 A. Once again, I think you're being
25 pejorative. I don't know what other people think,

REPORTER'S CERTIFICATION

I, DANIEL J. SKUR, CSR and Notary Public in and for the State of Texas, hereby certify that the witness was duly sworn and that this transcript is a true record of the testimony given by the witness;

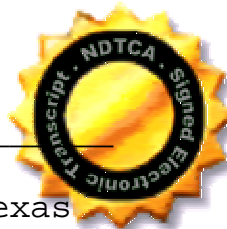
That pursuant to Rule 30 of the Federal Rules of Civil Procedure, signature of the witness was reserved by the witness or other party before the conclusion of the deposition;

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of the action.

Subscribed and sworn to by me this day, the _____ day of January, 2015.



Daniel J. Skur
Notary Public, State of Texas
My Commission Expires 7/7/2018



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BLUE SPIKE, LLC, §
§
Plaintiff, § CIVIL ACTION NO.
§
VS. § 6:12-CV-00499-MHS
§
TEXAS INSTRUMENTS, INC. §
§
Defendant. §

BLUE SPIKE, INC., §
§
Plaintiff, §
§
VS. §
§
AUDIBLE MAGIC CORPORATION, §
FACEBOOK, INC., MYSPACE, LLC, §
SPECIFIC MEDIA, LLC, §
PHOTOBUCKET.COM, INC., § CIVIL ACTION NO.
DAILYMOTION, INC., DAILYMOTION § 6:12-CV-00576-MHS
S.A., SOUNDCLOUD INC., §
SOUNDCLOUD LTD., MYXER, INC., §
QLIPSO, INC, QLIPSO MEDIA §
NETWORKS, LTS, YAP.TV, INC., §
GOMISO, INC., IMESH, INC., §
METACAFE, INC., BOODABEE §
TECHNOLOGIES INC., TUNECORE, §
INC., ZEDGE HOLDINGS, INC. §
BRIGHTCOVE INC., COINCIDENT. §
TV INC., ACCEDO BROADBAND §
NORTH AMERICA, INC., ACCEDO §
BROADBAND AB, and MEDIAFIRE, §
LLC, §
§
Defendants. §

CONFIDENTIAL - OUTSIDE COUNSEL EYES ONLY

ORAL AND VIDEOTAPED DEPOSITION OF

SCOTT MOSKOWITZ

January 15th, 2015

VOLUME 5

Pages 1125 - 1416

Deposition Resources, Inc.
800.295.4109

1 ORAL AND VIDEOTAPED DEPOSITION OF SCOTT
2 MOSKOWITZ, produced as a witness at the instance of
3 the Defendant Audible Magic, and duly sworn, was
4 taken in the above-styled and numbered cause on the
5 15th of January, 2015, from 9:21 a.m. to 8:02 p.m.,
6 before Daniel J. Skur, Notary Public and Certified
7 Shorthand Reporter in and for the State of Texas,
8 reported by stenographic means, at the offices of
9 Garteiser Honea, 218 North College Avenue, Tyler
10 Texas, pursuant to the Federal Rules of Civil
11 Procedure.

A P P E A R A N C E S

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ALSO PRESENT: Ms. Michelle Berry, Videographer

I N D E X

1.	Appearances.....	1127
2.	The Witness: SCOTT MOSKOWITZ	
	Examination by Mr. Ramsey.....	1129
3.	Acknowledgment.....	1414
4.	Reporter's Certificate.....	1415

DEPOSITION EXHIBITS
SCOTT MOSKOWITZ
January 15th, 2015

Number	Description	Page
	Previously Marked	
Exhibit 2	United States Patent 7,660,700 Bates No. BLU000015 through 000027	1314
Exhibit 13	Audible Magic Corporation's Notice of Deposition of Blue Spike LLC Pursuant to 30(b)(6) 14 pages	1232
	Marked During Volume 5	
Exhibit 27	Blue Spike Corporate Profile August 2000 Bates No. BLU0205987 through 0206003	1161
Exhibit 28	3/10/1998 Felix Bopp Email to Mr. Moskowitz Regarding Quote Bates No. BLU0136706 through 01386707	1174
Exhibit 29	Nonexclusive Patent License Agreement Bates No. BLU002690 through 002723	1178
Exhibit 30	11/19/2014 Order 1 page	1206

1 any point."

2 BY MR. RAMSEY:

3 Q. Are you aware of any letter ever sent
4 from Blue Spike LLC to Audible Magic between May --
5 the spring and August of 2012 regarding Blue Spike's
6 patents?

7 MR. GARTEISER: Object to the form.

8 A. Again, I don't recall if there was any
9 letter sent to Audible Magic by Blue Spike LLC
10 between May and August of 2012.

11 BY MR. RAMSEY:

12 Q. All right. Well, you don't believe that
13 you reached out to Audible Magic before suing them
14 to discuss licensing Blue Spike's patents. You
15 didn't do that, right?

16 MR. GARTEISER: Objection, form.

17 A. I don't think I reached out to Audible
18 Magic at any time for licensing of the patents.

19 BY MR. RAMSEY:

20 Q. Okay. Who are the current investors in
21 Blue Spike LLC?

22 A. Who are the current investors in Blue
23 Spike LLC? It's a sole member LLC, so I'm the sole
24 investor in Blue Spike LLC, at present.

25 Q. So none of the investors in Blue Spike,

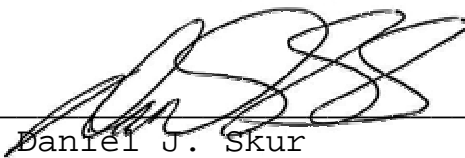
REPORTER'S CERTIFICATION

I, DANIEL J. SKUR, CSR and Notary Public in and for the State of Texas, hereby certify that the witness was duly sworn and that this transcript is a true record of the testimony given by the witness;

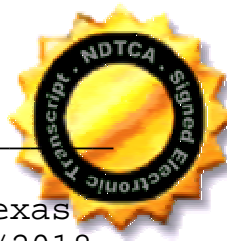
That pursuant to Rule 30 of the Federal Rules of Civil Procedure, signature of the witness was reserved by the witness or other party before the conclusion of the deposition;

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of the action.

Subscribed and sworn to by me this day, the _____ day of January, 2015.



Daniel J. Skur
Notary Public, State of Texas
My Commission Expires 7/7/2018



Deposition Resources, Inc.
Certified Court Reporting & Video Services

515 N. Church Street • Palestine, TX 75801 • Phone: 903-729-3289 • Fax: 903-723-9102

February 5, 2015

Mr. Gabriel Ramsey
Orrick, Herrington & Sutcliffe, LLP
777 South Figueroa Street, Suite 3200
Los Angeles, California 90017-5855

Mr. Gabriel Ramsey

Via Fax 415-773-5759

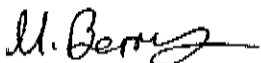
RE: Civil Action No. 6:12-CV-00499-MHS
United States District Court, Eastern District of Texas, Tyler Division.
Blue Spike, LLC, vs. Texas Instruments, Inc., et al.

Dear Mr. Ramsey:

Please find attached the certificate pages to the oral deposition of Scott Moskowitz, taken on December 9th, 10th, & 11th 2014, indicating the taxable court costs. The original transcript was not returned by the witness by January 23rd 2015, as requested.

Should you have any questions, please do not hesitate to call.

Sincerely,



Michelle Berry
Attachments

cc: Mr. Gabriel Ramsey (via fax)
Mr. Eric Findley (via fax)
Mr. Corey R. Houmand (via fax)

ERRATA SHEET FOR THE TRANSCRIPT OF:

CASE NAME: Blue Spike v Audible Magic

DEP DATE: December 9th, 2014

DEPONENT: SCOTT MOSKOWITZ

Pg.	Ln.	Now Reads	Should Read	Reason
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SCOTT MOSKOWITZ

Deposition Resources, Inc.
800.295.4109

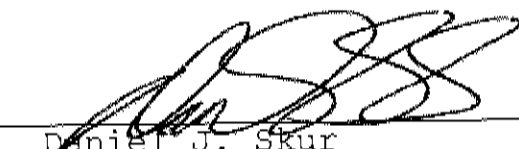
REPORTER'S CERTIFICATION

I, DANIEL J. SKUR, CSR and Notary Public in and for the State of Texas, hereby certify that the witness was duly sworn and that this transcript is a true record of the testimony given by the witness;

That pursuant to Rule 30 of the Federal Rules of Civil Procedure, signature of the witness was reserved by the witness or other party before the conclusion of the deposition;

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of the action.

Subscribed and sworn to by me this day, the 16 day of December, 2014.


 Daniel J. Skur
 Notary Public, State of Texas
 My Commission Expires 7/7/2018



TRABIE COURT COSTS: 2,566.25.

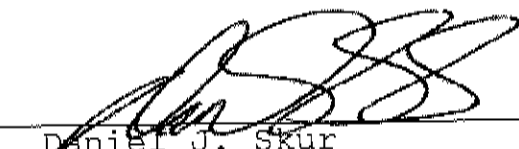
REPORTER'S CERTIFICATION

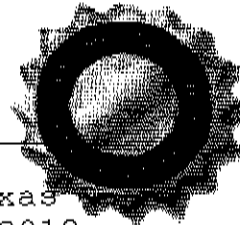
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I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of the action.

Subscribed and sworn to by me this day, the 17. day of December, 2014.


 Daniel J. Skur
 Notary Public, State of Texas
 My Commission Expires 7/7/2018



TAXABLE COURT COSTS: \$ 2,890.00

ERRATA SHEET FOR THE TRANSCRIPT OF:				
CASE NAME: Blue Spike v Audible Magic				
DEP DATE: December 10th, 2014				
DEPONENT: SCOTT MOSKOWITZ				
Pg.	Ln.	Now Reads	Should Read	Reason
6	—	—	—	—
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24	—	—	—	—
25	—	—	—	—

SCOTT MOSKOWITZ

Deposition Resources, Inc.
800.295.4109

REPORTER'S CERTIFICATION

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Subscribed and sworn to by me this day, the 18. day of December, 2014.



Daniel J. Skur

Notary Public, State of Texas
My Commission Expires 7/7/2018



TAKABLE COURT COSTS: \$ 1,638.00

ERRATA SHEET FOR THE TRANSCRIPT OF:

CASE NAME: Blue Spike v Audible Magic

DEP DATE: December 11th, 2014

DEPONENT: SCOTT MOSKOWITZ

Pg.	Ln.	Now Reads	Should Read	Reason
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 SCOTT MOSKOWITZ

 Deposition Resources, Inc.
 800.295.4109

ERRATA SHEET FOR THE TRANSCRIPT OF:

CASE NAME: Blue Spike v Audible Magic

DEP DATE: December 9th, 2014

DEPONENT: SCOTT MOSKOWITZ

Pg.	Ln.	Now Reads	Should Read	Reason
010	06	water marking	watermarking	
028	20	trademark.	trademark agent.	
032	11	a idea	an idea	
034	21	an obvious	a logical	
035	15	NNPA	NMPA	
035	16	writes	writers or rights	
036	09	1989	1999	
058	08	And that's way	And that's why	
076	22	in toto	en toto	
103	23	obviously	logically	
107	16	version is this	version is which	
113	09	Asked and answered	You previously asked this question and I answered	
146	20	that's memory serves	that's if memory serves	
148	25	1988 --		not 1988
151				digital fingerprint is a hash
163	09	as memory serves	if memory serves	
169	18	analysis	analogy	


SCOTT MOSKOWITZ

ERRATA SHEET FOR THE TRANSCRIPT OF:

CASE NAME: Blue Spike v Audible Magic

DEP DATE: December 9th, 2014

DEPONENT: SCOTT MOSKOWITZ

Pg.	Ln.	Now Reads	Should Read	Reason
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184	25	By 1989, 1990	Around 1991-'92	
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188	07	Cox paper from 1995	Cox paper from 1995 or 1996	
-----	----	---------------------	-----------------------------	--

196	23	in the same time	at the same time	
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236	19	they debriefed me	they asked me to debrief	
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241	11	cypher	cipher	
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244	04	Jerry Sugar Hill	Joey Sugarhill	
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266	19	but clearly the	but the	
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SCOTT MOSKOWITZ

ERRATA SHEET FOR THE TRANSCRIPT OF:

CASE NAME: Blue Spike v Audible Magic

DEP DATE: December 10th, 2014

DEPONENT: SCOTT MOSKOWITZ

Pg.	Ln.	Now Reads	Should Read	Reason
304	01	but then I'd have to kill you		
324	01	Asked and answered, counselor.	Asked and answered.	
324	16	devises	devices	
361	08	friends	fingerprints	
370	02	Gabe Garteiser	Randall Garteiser	
377	16	September 2nd	September 6th	
389	02	abuse	misuse	
403	21	at current	at present	
418	09	thrown away	put aside	
425	25	800-318344	800-381-8344	
478	19	3IFt	IFPI	
482	14	filled	comprehensive	
491	07	focussed	focused	
494	12	Wisteria	Wistaria	
495	05	Mark	Marc	
495	11	Mark	Marc	
496		FFT	IFPI	


SCOTT MOSKOWITZ

ERRATA SHEET FOR THE TRANSCRIPT OF:

CASE NAME: Blue Spike v Audible Magic

DEP DATE: December 10th, 2014

DEPONENT: SCOTT MOSKOWITZ

Pg.	Ln.	Now Reads	Should Read	Reason
496	12	MPES	MPRS	
499	19	Jazz Rack	JASRAC	
502	06	recalls	serves	
508	11	cypher	cipher	
508	11	Marc	Marc	
508	25	Marc	Marc	
511	04	FFT	IFPI	
513	17	Jessup	Jessop	
513	17	FFT	IFPI	
514	20	whim	wing	
516	19	FFT	IFPI	
522	25	is	was	
559	19	which the	which to the	
560	19	1997	2007	
563	14	Greg	Gregg	
563	18	Greg	Gregg	
564	12	Greg	Gregg	


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ERRATA SHEET FOR THE TRANSCRIPT OF:

CASE NAME: Blue Spike v Audible Magic

DEP DATE: December 10th, 2014

DEPONENT: SCOTT MOSKOWITZ

Pg.	Ln.	Now Reads	Should Read	Reason
564	20	Greg	Gregg	
565	05	Memory	If memory	
567	02	Greg	Gregg	
582	08	Wisteria	Wistaria	
582	09	Wisteria	Wistaria	
582	17	Wisteria	Wistaria	
582	20	Wisteria	Wistaria	
582	22	Wisteria	Wistaria	
583	02	Wisteria	Wistaria	
583	06	Wisteria	Wistaria	
583	12	Wisteria	Wistaria	
583	16	Wisteria	Wistaria	
584	04	Wisteria	Wistaria	
584	07	Wisteria	Wistaria	
584	12	Wisteria	Wistaria	
584	13	Wisteria	Wistaria	
584	15	Wisteria	Wistaria	


SCOTT MOSKOWITZ


ERRATA SHEET FOR THE TRANSCRIPT OF:

CASE NAME: Blue Spike v Audible Magic

DEP DATE: December 10th, 2014

DEPONENT: SCOTT MOSKOWITZ

Pg.	Ln.	Now Reads	Should Read	Reason
584	18	Wisteria	Wistaria	
584	19	Wisteria	Wistaria	
584	19	by dent	by dint	
585	24	Wisteria	Wistaria	
586	05	Wisteria	Wistaria	
586	09	Wisteria	Wistaria	
586	14	Wisteria	Wistaria	
586	18	Wisteria	Wistaria	
586	24	Wisteria	Wistaria	
611	24	Mark	Marc	
612	03	Wisteria	Wistaria	
614	25	Greg	Gregg	
616	25	due	dual	
617	02	Rimage	Rimmage	
619	03	Springer	Sprenger	
625	12	Springer	Sprenger	
634	25	Mark	Marc	
635	08	Mark	Marc	


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ERRATA SHEET FOR THE TRANSCRIPT OF:

CASE NAME: Blue Spike v Audible Magic

DEP DATE: December 11th, 2014

DEPONENT: SCOTT MOSKOWITZ

Pg.	Ln.	Now Reads	Should Read	Reason
646	09	means	mean	
668	07	in toto	en toto	
697	22	audit	audio	
712	24	2 13	2013	
740	23	Lennox	Linux	
740	24	Lennox	Linux	
741	03	Lennox	Linux	
752	20	the obvious	obvious	
769	09	1997	2007	
789	23	DLI	DOI	
798	24	eliminate	evaluate	
812	22	claimant	claim	

SCOTT MOSKOWITZ

Deposition Resources, Inc.
800.295.4109

Deposition Resources, Inc.
Certified Court Reporting & Video Services

115 N. Church Street • Palestine, TX 75801 • Phone: 903-729-3289 • Fax: 903-723-9102

March 13, 2015

Mr. Gabriel Ramsey
Orrick, Herrington & Sutcliffe LLP
The Orric Bulding
405 Howard Street
San Francisco, California 94105-2669

Mr. Gabriel Ramsey

Via Fax 415-773-5759

RE: Civil Action No. 6:12-CV-00499-MHS
United States District Court, Eastern District of Texas, Tyler Division.
Blue Spike, LLC. VS. Texas Instruments, Inc., et al.

Dear Mr. Ramsey:

Please find attached the certificate pages to the oral depositions of Scott Moskowitz, taken on January 14th, 15th, & 16th 2015, indicating the taxable court costs. The original transcripts were not returned by the witness by March 2nd 2015, as requested.

Should you have any questions, please do not hesitate to call.

Sincerely,



Michelle Berry
Attachments

cc: Mr. Gabriel Ramsey (via fax)
Mr. Eric Findlay (via fax)


REPORTER'S CERTIFICATION

I, DANIEL J. SKUR, CSR and Notary Public in and for the State of Texas, hereby certify that the witness was duly sworn and that this transcript is a true record of the testimony given by the witness;

That pursuant to Rule 30 of the Federal Rules of Civil Procedure, signature of the witness was reserved by the witness or other party before the conclusion of the deposition;

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of the action.

27th Subscribed and sworn to by me this day, the day of January, 2015.


Daniel J. Skur
Notary Public, State of Texas
My Commission Expires 7/7/2018



Deposition Resources, Inc.
800.295.4109

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BLUE SPIKE, LLC,

Plaintiff,

VS.

TEXAS INSTRUMENTS, INC.

Defendant.

BLUE SPIKE, INC.,

Plaintiff,

VS.

AUDIBLE MAGIC CORPORATION,
FACEBOOK, INC., MYSPACE, LLC,
SPECIFIC MEDIA, LLC,
PHOTOBUCKET.COM, INC.,
DAILYMOTION, INC., DAILYMOTION
S.A., SOUNDCLOUD INC.,
SOUNDCLOUD LTD., MYXER, INC.,
QLIPSO, INC, QLIPSO MEDIA
NETWORKS, LTS, YAP.TV, INC.,
GOMISO, INC., IMESH, INC.,
METACAFE, INC., BOODABEE
TECHNOLOGIES INC., TUNECORE,
INC., ZEDGE HOLDINGS, INC.
BRIGHTCOVE INC., COINCIDENT.
TV INC., ACCEDO BROADBAND
NORTH AMERICA, INC., ACCEDO
BROADBAND AB, and MEDIAFIRE,
LLC,

Defendants.

CONFIDENTIAL - OUTSIDE COUNSEL EYES ONLY

ORAL AND VIDEOTAPED DEPOSITION OF
SCOTT MOSKOWITZ

January 14th, 2015

VOLUME 4

Pages 823 - 1124

Deposition Resources, Inc.
800.295.4109

1
2 ORAL AND VIDEOTAPED DEPOSITION OF SCOTT
3 MOSKOWITZ, produced as a witness at the instance of
4 the Defendant Audible Magic, and duly sworn, was
5 taken in the above-styled and numbered cause on the
6 14th of January, 2015, from 9:08 a.m. to 7:20 p.m.,
7 before Daniel J. Skur, Notary Public and Certified
8 Shorthand Reporter in and for the State of Texas,
9 reported by stenographic means, at the offices of
10 Garteiser Honea, 218 North College Avenue, Tyler
11 Texas, pursuant to the Federal Rules of Civil
12 Procedure.
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Deposition Resources, Inc.
800.295.4109


1 REPORTER'S CERTIFICATION

2 I, DANIEL J. SKUR, CSR and Notary Public in
3 and for the State of Texas, hereby certify that the
4 witness was duly sworn and that this transcript is a
5 true record of the testimony given by the witness;

6 That pursuant to Rule 30 of the Federal Rules
7 of Civil Procedure, signature of the witness was
8 reserved by the witness or other party before the
9 conclusion of the deposition;

10 I further certify that I am neither counsel
11 for, related to, nor employed by any of the parties
12 or attorneys in the action in which this proceeding
13 was taken. Further, I am not a relative or employee
14 of any attorney of record in this cause, nor am I
15 financially or otherwise interested in the outcome
16 of the action.

17 27th Subscribed and sworn to by me this day, the
18 day of January, 2015.

19 
20 Daniel J. Skur
21 Notary Public, State of Texas
22 My Commission Expires 7/7/2018
23
24
25



Deposition Resources, Inc.
800.295.4109

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BLUE SPIKE, LLC, §
§
Plaintiff, § CIVIL ACTION NO.

VS. § 6:12-CV-00499-MHS

TEXAS INSTRUMENTS, INC. §

Defendant. §

BLUE SPIKE, INC., §

Plaintiff, §

VS. §

AUDIBLE MAGIC CORPORATION, §

FACEBOOK, INC., MYSPACE, LLC, §

SPECIFIC MEDIA, LLC, §

PHOTOBUCKET.COM, INC., § CIVIL ACTION NO.

DAILYMOTION, INC., DAILYMOTION §

S.A., SOUNDCLOUD INC., § 6:12-CV-00576-MHS

SOUNDCLOUD LTD., MYXER, INC., §

QLIPSO, INC, QLIPSO MEDIA §

NETWORKS, LTS, YAP.TV, INC., §

GOMISO, INC., IMESH, INC., §

METACAFE, INC., BOODABEE §

TECHNOLOGIES INC., TUNECORE, §

INC., ZEDGE HOLDINGS, INC. §

BRIGHTCOVE INC., COINCIDENT. §

TV INC., ACCEDO BROADBAND §

NORTH AMERICA, INC., ACCEDO §

BROADBAND AB, and MEDIAFIRE, §

LLC, §

Defendants. §

CONFIDENTIAL - OUTSIDE COUNSEL EYES ONLY

ORAL AND VIDEOTAPED DEPOSITION OF

SCOTT MOSKOWITZ

January 15th, 2015

VOLUME 5

Pages 1125 - 1416

Deposition Resources, Inc.
800.295.4109

1 ORAL AND VIDEOTAPED DEPOSITION OF SCOTT
2 MOSKOWITZ, produced as a witness at the instance of
3 the Defendant Audible Magic, and duly sworn, was
4 taken in the above-styled and numbered cause on the
5 15th of January, 2015, from 9:21 a.m. to 8:02 p.m.,
6 before Daniel J. Skur, Notary Public and Certified
7 Shorthand Reporter in and for the State of Texas,
8 reported by stenographic means, at the offices of
9 Garteiser Honea, 218 North College Avenue, Tyler
10 Texas, pursuant to the Federal Rules of Civil
11 Procedure.
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Deposition Resources, Inc.
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REPORTER'S CERTIFICATION


I, DANIEL J. SKUR, CSR and Notary Public in and for the State of Texas, hereby certify that the witness was duly sworn and that this transcript is a true record of the testimony given by the witness;

That pursuant to Rule 30 of the Federal Rules of Civil Procedure, signature of the witness was reserved by the witness or other party before the conclusion of the deposition;

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of the action.

27th Subscribed and sworn to by me this day, the day of January, 2015.


Daniel J. Skur
Notary Public, State of Texas
My Commission Expires 7/7/2018



1 United States Patent 7,660,700 THE UNITED STATES
 2 DISTRICT COURT
 3 FOR THE EASTERN DISTRICT OF TEXAS
 4 TYLER DIVISION

5 BLUE SPIKE, LLC, \$
 6 Plaintiff, \$ CIVIL ACTION NO.
 7 VS. \$ 6:12-CV-00499-MHS
 8 TEXAS INSTRUMENTS, INC. \$
 9 Defendant. \$

10 BLUE SPIKE, INC., \$
 11 Plaintiff, \$
 12 VS. \$
 13 AUDIBLE MAGIC CORPORATION, \$
 14 FACEBOOK, INC., MYSPACE, LLC, \$
 15 SPECIFIC MEDIA, LLC, \$ CIVIL ACTION NO.
 16 PHOTOBUCKET.COM, INC., \$ 6:12-CV-00576-MHS
 17 DAILYMOTION, INC., DAILYMOTION \$
 18 S.A., SOUNDCLLOUD INC., \$
 19 SOUNDCLLOUD LTD., MYXER, INC., \$
 20 QLIPSO, INC, QLIPSO MEDIA \$
 21 NETWORKS, LTS, YAP.TV, INC., \$
 22 GOMISO, INC., IMESH, INC., \$
 23 METACAFE, INC., BOODABEE \$
 24 TECHNOLOGIES INC., TUNECORE, \$
 25 INC., ZEDGE HOLDINGS, INC. \$
 BRIGHTCOVE INC., COINCIDENT. \$
 TV INC., ACCEDO BROADBAND \$
 NORTH AMERICA, INC., ACCEDO \$
 BROADBAND AB, and MEDIAFIRE, \$
 LLC, \$
 Defendants. \$

CONFIDENTIAL - OUTSIDE COUNSEL EYES ONLY

ORAL AND VIDEOTAPED DEPOSITION OF
 SCOTT MOSKOWITZ
 January 16th, 2015
 VOLUME 6

Deposition Resources, Inc.
 800.295.4109

Electronically signed by Daniel J. Skur (101-371-132-7809)

bd7c6918-ddfb-4936-b2f6-7103e1bfddff

ORAL AND VIDEOTAPED DEPOSITION OF SCOTT
MOSKOWITZ, produced as a witness at the instance of
the Defendant Audible Magic, and duly sworn, was
taken in the above-styled and numbered cause on the
16th of January, 2015, from 9:22 a.m. to 2:23 p.m.,
before Daniel J. Skur, Notary Public and Certified
Shorthand Reporter in and for the State of Texas,
reported by stenographic means, at the offices of
Garteiser Honea, 218 North College Avenue, Tyler
Texas, pursuant to the Federal Rules of Civil
Procedure.

Deposition Resources, Inc.
800.295.4109

Electronically signed by Daniel J. Skur (101-371-132-7809)

bd7c6918-ddfb-4938-b2f5-7103e1bfddr1